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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/706,412	
	Filing Date	November 12, 2003	
	First Named Inventor	Christian C. Petersen	
	Art Unit	2837	
	Examiner Name	Rina I. Duda	
Total Number of Pages in This Submission	3	Attorney Docket Number	CCP 2-046

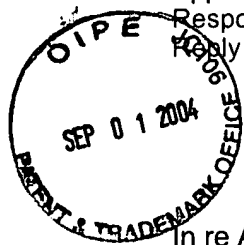
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Firm or Individual name	Gerald L. Smith Mueller and Smith, KPA	
Signature		
Date	August 30, 2004	

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Appln. No. 10/706,412
Response dated August 30, 2004
Reply to Office Communication of August 27, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Christian C. Petersen
Serial No : 10/706,412
Filed : November 12, 2003
For : Multiphase Motors With Single Point Sensing Based Commutation
TC/AU : 2837
Examiner : Rina I. Duda
Attorney Docket No. : CCP 2-046

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RESPONSE

Sir:

In response to the Office communication mailed August 25, 2004 calling for a restriction under § 121 of the Patent Statute between a Group I and a Group II of the claims, applicant provisionally elects claim Grouping II incorporating claims 12-27, 45-66 and 109-118.

Applicant respectively traverses the requirement for restriction.

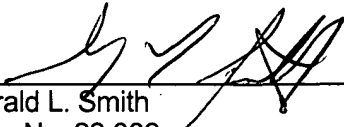
Section 121 of the Patent Statute authorizes a requirement for restriction only when two or more independent and distinct inventions are claimed in one application. While the invention defined by the claims of Group I and the invention defined by the claims of Group II may be distinct and separately patentable in different applications, it is clear that these inventions are dependent in that each is related to the other in operation or effect. The Statute requires both independence and distinctness, not either, and provides such requirement in definite terms. The construction adopted by the Manual Patent Examining Procedure assumes that the Statute authorizes restriction between inventions which are not independent and distinct but which are either independent or distinct. It is applicant's position that the plain meaning of the Statute defies such construction. For this reason, applicant requests that the restriction requirement be

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withdrawn and that all claims may be prosecuted as a single invention.

Respectfully submitted,

Date: 30 Aug 04



Gerald L. Smith
Reg. No. 22,009
MUELLER AND SMITH, L.P.A.
MUELLER-SMITH BUILDING
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: jsmith@muellersmith.com

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Jane Keeney